

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARC JOSEPH HLADEK, SR.,

Plaintiff,

v.

MARTIN O'MALLEY,  
Commissioner of Social Security,<sup>1</sup>

Defendant.

) Case No.: 1:22-cv-1180 JLT HBK  
)  
) ORDER ADOPTING THE FINDINGS AND  
) RECOMMENDATIONS, GRANTING  
) PLAINTIFF'S MOTION FOR SUMMARY  
) JUDGMENT IN PART, GRANTING  
) DEFENDANT'S MOTION TO REMAND FOR  
) FURTHER PROCEEDINGS, AND  
) REMANDING TO THE CASE FOR FURTHER  
) PROCEEDINGS  
)  
) (Docs. 14, 19, 21)  
)  
) ORDER DIRECTING ENTRY OF JUDGMENT  
) IN FAVOR OF PLAINTIFF AND AGAINST  
) DEFENDANT COMMISSIONER OF SOCIAL  
) SECURITY

Marc Joseph Hladek, Sr. seeks judicial review of a final decision denying his application for disability insurance benefits under Title II of the Social Security Act. (Doc. 1.) Plaintiff asserts the ALJ erred in evaluating the record and the matter should be remanded for the payment of benefits. (Doc. 14.) The Commissioner concedes the ALJ erred in evaluating the medical evidence and asserts the matter should be remanded for further administrative proceedings and medical expert testimony. (Doc. 19 at 6.)

The magistrate judge found "there are outstanding issues that must be resolved before a

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<sup>1</sup> The Court substituted Martin O'Malley, who was appointed the Commissioner of Social Security, as the defendant in this suit. *See Fed. R. Civ. P. 25(d).*

1 determination can be made, and it is not clear from the record that the ALJ would be required to  
2 find a claimant disabled if all the evidence were properly evaluated. . .” (Doc. 21 at 11; *see also*  
3 *id.* at 8-11.) Therefore, the magistrate judge determined a “remand for further proceedings is  
4 appropriate.” (*Id.* at 11.) The magistrate judge recommended Plaintiff’s motion for summary  
5 judgment be granted in part, the Commissioner’s motion to remand for further administrative  
6 proceedings be granted, and the final decision be reversed and remanded for further  
7 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (*Id.*)

8 The Court served the Findings and Recommendations on the parties and notified them that  
9 any objections were due within 14 days. (Doc. 21 at 12.) The Court advised the parties that the  
10 “failure to file objections within the specified time may result in the waiver of rights on appeal.”  
11 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file  
12 objections, and the time to do so has passed.

13 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this  
14 case. Having carefully reviewed the matter, the Court concludes the Findings and  
15 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 16 1. The Findings and Recommendations issued on January 12, 2024 (Doc. 21) are  
17 **ADOPTED** in full.
- 18 2. Plaintiff’s Motion for Summary Judgment (Doc. 14) is **GRANTED IN PART**.
- 19 3. Defendant’s Motion to Remand for Further Administrative Proceedings (Doc. 19)  
20 is **GRANTED**.
- 21 4. Pursuant to sentence four of 42 U.S.C. § 405(g), the Court **REVERSES** the  
22 Commissioner’s decision and **REMANDS** the action for further proceedings.
- 23 5. The Clerk of Court **SHALL** enter judgment in favor of Plaintiff Marc Joseph  
24 Hladek, Sr., and against Defendant Commissioner of Social Security.

25 IT IS SO ORDERED.  
26

27 Dated: January 29, 2024

  
28 UNITED STATES DISTRICT JUDGE